**THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN**

**WRIT PETITION NO. 7378 OF 2006**

Date: 08.09.2006

Between:

Dr. V. Bhanu Prasad.

… Petitioner

and

Acharya N.G. Ranga Agricultural University, Hyderabad and another.

…

Respondents.

**THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN**

**WRIT PETITION NO. 7378 OF 2006**

**ORDER:**

Aggrieved by the order of the 1st respondent dated 23.03.2006, whereby a sum of Rs.6,31,889-53ps was directed to be recovered from the pension payable to the petitioner, at the rate of Rs. 4,942/- per month until the total amount was recovered, the present writ petition is filed.

Sri Siva, learned Counsel for the petitioner, would submit that, while the aforesaid punishment was imposed pursuant to a departmental enquiry, none of the witnesses presented on behalf of the University were examined in the petitioner's presence nor was he given an opportunity to cross examine the witnesses. The fact, that the statements of the witnesses, produced on behalf of the University, was not recorded in the presence of the petitioner (delinquent employee) and that he was not given an opportunity to cross examine them, is not in dispute.

Sri P. Siva Reddy, learned Standing Counsel for the University, would, however, submit that since the petitioner had admitted to the charges, it was wholly unnecessary for the University to even conduct an enquiry let alone examine witnesses in the petitioner's presence. Learned Standing Counsel would refer to Exs.B1 to B3, the mess rates prepared from the month of

December, 1996 onwards, to submit that a mere perusal of these statements would show that the petitioner had admitted to the charges leveled against him.

I am afraid I cannot agree. The statement of mess charges, in Exs.B1 to B3, were marked as exhibits in the enquiry. In the absence of a categorical and unequivocal admission of guilt by the petitioner, (the delinquent employee), no punishment, much less a major punishment, could have been imposed without complying with the procedural requirements of holding a departmental enquiry, examining witnesses in the presence of the charge sheeted employee and more importantly giving him an opportunity to cross examine the witnesses. In as much as none of the procedural requirements, of a valid domestic enquiry, have been complied with, in the present case, the order of punishment imposed pursuant thereto is liable to be set aside.

While Sri Siva, learned Counsel for the petitioner, would refer to the earlier proceedings of this Court to submit that the time limit prescribed by this Court for completing the departmental enquiry has long since expired, he would fairly concede that, on the order of punishment now being set aside, the petitioner is ready and willing to participate in the enquiry to be held afresh provided, of course, a time limit is prescribed for early completion of the enquiry, since the charge sheet was issued more than five years ago and a valid departmental enquiry, despite repeated orders of this Court, has not been completed till date.

Sri P. Siva Reddy, learned Standing Counsel for the respondent University, on instructions, would submit that, in case the petitioner co-operates with the enquiry officer and does not seek needless adjournments, the enquiry would be held afresh and

completed within a period of three months from the date of receipt of a copy of this order. Recording these submissions of both Sri Siva, learned Counsel for the petitioner and Sri P. Siva Reddy, learned Standing Counsel for the respondent University, the impugned order of punishment is set aside and the respondents are given liberty to conduct an enquiry afresh, from the stage of examination of witnesses, and pass orders pursuant thereto within a period three months from the date of receipt of a copy of this order. As has already been held by this Court, in W.P. No. 12104 of 2003, in case the respondents needlessly delay the enquiry proceedings and, despite cooperation from the petitioner, fail to complete the enquiry within the aforesaid stipulated period, their right to take disciplinary action against the petitioner shall stand forfeited.

The writ petition is disposed of accordingly. However, in the circumstances, without costs.

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Date: 08.09.2006 RAMESH RANGANATHAN, J